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10/596,299	03/30/2007	Daniel Langlois	8381-055	5077
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,299	LANGLOIS, DANIEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dmitriy Bolotin	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10, 12, 14, 21, 23, 29, 30, 33-36, 38 and 39 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10, 12, 14, 21, 23, 29, 30, 33-36, 38 and 39 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 June 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>06/08/2006</u> .	6) <input type="checkbox"/> Other: ____ .

## DETAILED ACTION

It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “**an elongated support member having first end and second end, said second end being fixedly attached to said support frame**” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “**a sound generating means**” claimed in **claims 29 and 30** is not disclosed in the specification as originally filed.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 23** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex*

*parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, **claim 23** recites the broad recitation "**Radio-Frequency (RF) communication system**", and the claim also recites "**a cellular communication system or a Wi-Fi communication system**" which is the narrower statement of the range/limitation.

6. **Claim 39** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, it is unclear what applicant regards as walking to an audience, is walking a necessary step of claimed method? What happens if the audience is already present at the time the frame is attached? Also, it is unclear what happens when audience does not comprise a plurality of users, but instead it is only one user or no users at all, does the operator have to walk until he finds an audience which does comprise a plurality of users? It is also unclear why applicant makes a distinction between attaching the frame and wearing the display device, does the attaching of the frame not result in wearing the device?

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. **Claims 1 – 10, 12, 14, 21, 23, 29, 30, 34 – 36, 38 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Langlois (WO 03/079319) as applied to in view of Glass (US 2005/0048987).

As to **claim 1, claim 12** (dependent on 10), **claim 14** (dependent on 12), **claim 21** (dependent on 10) and **claim 23** (dependent on 21), Langlois discloses a portable display system arranged to be carried and manipulated by a human operator (as shown in fig. 6), said portable display system comprising: a. a display device capable of displaying an output message (display 70 of fig. 6); b. a media generating means

(media generating means 110 of fig. 3) connected to said display device and capable of generating an output message (media generating means can play back a video program, page 3, line 25); c. power supply means (power supply 130 of fig. 3) able to provide electrical power to said portable display system (page 3, lines 29 - 30); d. a transport means (backpack 40 of fig. 3) adapted to transport said media generating means and said power supply means (as shown in fig. 3, power supply 130 and media generating means 110 are contained with backpack 40) and adapted to be carried by said human operator (as shown in fig. 6), said transport means comprising: i. a support frame (frame 20 of fig. 1); ii. a plurality of fastening means (straps 100 and 102 of fig. 1).

Langlois discloses a user (audience, page 5, line 8) being different from said human operator (human being wearing audiovisual equipment, page 5, line 6), but fails to disclose, e. a command means for generating an input command from a user, said command means being connected to said media generating means; wherein said output message displayed by said display device and generated by said media generating means can be interactively modified upon the generation of said input command. Langlois also fails to disclose that said command means connected with wires or wirelessly to said game console or to said portable computer, wherein said command means are a joystick or a game pad or a remote control or a gyroscopic mouse or a keyboard or a touchscreen; and that the system, further comprising wireless communication means connecting said game console or said portable computer to a computer network, wherein said wireless communication means is a Radio-Frequency

(RF) communication system or a cellular communication system or a Wi-Fi communication system.

In the same field of endeavor, Glass discloses e. a command means (wireless keyboard 704 of fig. 7) for generating an input command from a user (inherent purpose of a mouse), said command means being connected to said media generating means (via wireless link, [0002]); wherein said output message displayed by a display device and generated by said media generating means can be interactively modified upon the generation of said input command (a keyboard inherently modifies the displayed information). Langlois also discloses that said command means (wireless keyboard 740 of fig. 4) connected wirelessly to computer (computer 700 of fig. 7), wherein said command means is a keyboard (keyboard 740 of fig. 4); and that the system, further comprising wireless communication means (Wireless fidelity connection, [0024]) connecting said computer to a computer network [0024], wherein said wireless communication means is a Wi-Fi communication system [0024].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Langlois by providing the command means and communication means disclosed by Glass, so as to be able to interact wirelessly with the media generating means.

As to **claim 2** (dependent on 1), Langlois discloses a portable display system, further characterized in that said transport means further comprises: a. a base support

means (base support 30 of fig. 1) fixedly mounted to said support frame (frame 20 of fig. 1); b. a carrying sack (sack 40 of fig. 1) fixedly mounted to said support frame (frame 20 of fig. 1).

As to **claim 3** (dependent on 1), Langlois discloses a portable display system, further characterized in that said transport means further comprises: a. an elongated support member (hollow tube 50 of fig. 1) having first end and second end, said second end being fixedly attached to a base support (30 of fig. 1); b. mounting means (connecting means 60 of fig. 1) for attaching said display (display device 70 of fig. 1) device to said elongated member first end (hollow tube 50 of fig. 1).

Langlois fails to disclose said second end of the support member being fixedly attached to said support frame. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to attach the second end of the support member directly to the support frame instead of the base support as disclosed by Langlois, so as to reduce the amount of parts required, thus reducing the cost of overall device.

As to **claim 4** (dependent on 2), Langlois discloses a portable display system, further characterized in that said transport means further comprises: a. an elongated support member (hollow tube 50 of fig. 1) having first end and second end, said second end being fixedly attached to said base support means (base support 30 of fig. 1); b.

mounting means (connecting means 60 of fig. 1) for attaching said display device (display device 70 of fig. 1) to said elongated member first end (hollow tube 50 of fig. 1).

As to **claim 5** (dependent on 1), Langlois discloses a portable display system, wherein said display device is a liquid crystal display (LCD) screen (LCD display page 5, line 32).

As to **claim 6** (dependent on 1), Langlois discloses a portable display system, wherein said media generating means (DVD player or portable computer, page 3, lines 18 and 19) comprises media processing means (inherently a computer or a DVD player comprises a processor).

As to **claim 7** (dependent on 6), Langlois discloses a portable display system, wherein said media generating means further comprises a digital media player (DVD player, page 3, lines 18 and 19).

As to **claim 8** (dependent on 1), Langlois discloses a portable display system, wherein said media generating means comprises: a. a digital media player (DVD player or portable computer, page 3, lines 18 and 19); b. media processing means (inherently a computer or a DVD player comprises a processor).

As to **claim 9** (dependent on 8), Langlois discloses a portable display system, wherein said digital media player is a digital versatile disk (DVD) player (DVD player, page 3, lines 18 and 19).

As to **claim 10** (dependent on 6), Langlois discloses a portable display system, wherein said media processing means is a portable computer (portable computer, page 3, lines 18 and 19).

As to **claim 29** (dependent on 1), Langlois discloses a portable display system, wherein said portable display system further comprises a sound generating means (amplifier shown in of fig. 3) connected to said media generating means (DVD player or portable computer, page 3, lines 18 and 19).

As to **claim 30** (dependent on 29), Langlois discloses a portable display system, further comprising speakers (speakers 120 of fig. 3) connected to said sound generating means (amplifier shown in of fig. 3).

As to **claim 34** (dependent on 2), Langlois discloses a portable display system, wherein said carrying sack (sack 40 of fig. 1) is a shell made of rigid material (hard plastic shell, page 3, line 18).

As to **claim 35** (dependent on 34), Langlois discloses a portable display system, wherein said rigid material is a hard plastic (hard plastic shell, page 3, line 18).

As to **claim 36** (dependent on 1), Langlois discloses a portable display system, further comprising: a. an telescopic pole having first end and second end (telescoping pole 140 of fig. 4); b. mounting means for attaching said display device to said telescopic pole first end (display may be mounted on a telescoping pole, page 4, lines 6

– 8); wherein said telescopic pole can be used by said human operator to carry said display device or to support said display device on the ground (explicitly shown in fig. 4).

As to **claim 38** (dependent on 36), Langlois discloses a portable display system, wherein said display device is a projector (projector 150 of fig. 4).

As to **claim 39** (dependent on 1), Langlois discloses a method for using the portable display system, said method comprising the step of: a. attaching said frame support to said human operator using said fastening means (as shown in fig. 6); b. said human operator wearing said portable display system (as shown in fig. 6); c. said human operator walking to an audience, said audience comprising a plurality of potentials users (interacting with the audience, page 5, line 8);

Langlois fails to disclose d. said human operator handing said command means to one of said users; e. said user sending an input message to said media generating means using said command means; f. said media generating means generating an output message to said display device according to said input message sent by said user using said command means; g. said display device displaying said output message.

In the same field of endeavor, Glass discloses e. a user sending an input message (inherent purpose a keyboard) to a media generating means (computer 700 of fig. 7) using said command means (keyboard 704 of fig. 7); f. said media generating means (computer 700 of fig. 7) generating an output message to said display device (computer display shown in fig. 7) according to said input message sent by said user

using said command means (inherently typing on a keyboard produces and output displayed on the display); g. said display device displaying said output message (computer display shown in fig. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Langlois by providing the command means and communication means disclosed by Glass, so as to be able to interact wirelessly with the media generating means.

Langlois in view of Glass fails to disclose d. said human operator handing said command means to one of said users, however, shearing a control device such as keyboard between multiple users is well known and would have been obvious to one of ordinary skill in the art at the time of the invention, so as to eliminate the need for multiple users to have their own control devices, thus reducing the cost.

10. **Claim 33** is rejected under 35 U.S.C. 103(a) as being unpatentable over Langlois in view of Glass and McCormack et al. (US 2003/0172138).

As to **claim 33** (dependent on 1), Langlois discloses a portable display system, but Langlois in view of Glass fails to disclose the system further comprising short message service (SMS) and multimedia message service (MMS) interface means connected to said media generating means.

In the same field of endeavor, McCormack discloses a system further comprising short message service (SMS) and multimedia message service (MMS), [0016] interface

means (device communication module 338 of fig. 3, [0102]) connected to said media generating means (processor 302 of fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art the time of the invention to modify the device of Langlois in view of Glass by adding the message service interface means, so as to accommodate a plurality of options given to users by service providers (McCormack, [0016]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitriy Bolotin whose telephone number is (571)270-5873. The examiner can normally be reached on Monday-Friday, 8:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571)272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B./  
Examiner, Art Unit 2629

/Amare Mengistu/  
Supervisory Patent Examiner, Art Unit 2629